UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	·	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,959	04/26/2002		Yong-Seok Jeong	08015.0006	6058

22852 7590 04/10/2006		EXAMINER
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP		STOICA, MARIA
901 NEW YORK AVENUE, NW	ART UNIT	PAPER NUMBER
WASHINGTON, DC 20001-4413	3715	

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *18 January 2006*.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-37* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-37* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *1/18/06*

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1.   Claims 1, 9, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by

Chao'632 et al. (US Patent No. 6,325,632).

Chao'632 discloses a real-time counseling service that uses a network (Figure

9), comprising:

receiving a query from a user (col. 4, lines 1-8);

generating an identification code for the specific query (col. 4, lines 61+);

determining a counselor based on said identification code of said query (col. 5,

lines 29-30);

creating a counseling room for the user and the counselor to interact (col. 5, line

67 – col. 6, line 1);

wherein said identification code includes at least one selected from the group consisting of a language information, a service-providing server's information, a query-contents identification, and a user's location information (Figures 4 and 5).

2.   Claims 2, 10, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Chao'632. In addition to the features described in #1, the language information associated with the user is the language corresponding to the query (352, 364, col. 1, lines 58-59).

3.   Claims 4, 12, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Chao'632. In addition to the features described in #1, the query contents identification in the system can correspond to a query contents category number, where the user chooses the hierarchy of categories (col. 5 lines 32-41).

4.   Claims 6, 14, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Chao'632. In addition to the features described in #1, the system can determine a counselor that is the best match based on the language information and the query-contents identification (col. 5, lines 29-30; Figure 4, specifically 304 and 306).

5.   Claims 7, 15, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Chao'632. In addition to the features described in #1, communication from user to user can be done through video conferencing over the Internet (col. 7, lines 7-13), which is a type of cyber space.

6.   Claims 8, 16, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Chao'632. In addition to the features described in #1 or #3, the system allows for communication through video conferencing over the Internet (col. 7, lines 7-13), which is

a form of a chat room. Furthermore, since a chat room is already provided, the system

implemented here is inherently capable of supporting the sending of URLs through the

chat room service from a first user to a second, for use by the second user in any

fashion desired.

7.   Claim 25 is rejected under 35 U.S.C. 102(e) as being anticipated by Chao'632.

Chao'632 discloses an apparatus for providing a real-time counseling service over a

network (Figure 9) comprising:

    receiving means for receiving a query from a user (col. 4, lines 1-8);

    controlling means for generating an identification code corresponding with said

query (col. 4, lines 61+), determining a counselor using said identification code (col. 5,

lines 29-30), and creating an environment where the user and the counselor can

interact (col. 5, line 67 – col. 6, line1);

    wherein said identification code includes at least one from the group consisting of

language information, a service-providing server's information, a query-contents

identification, and a user's location information (Figures 4 and 5).

8.   Claim 26 is rejected under 35 U.S.C. 102(e) as being anticipated by Chao'632.

Chao'632 discloses an apparatus for providing data for creating a counseling room

(552) coupled to a server (550) that communicates with the user through a network

(556), said apparatus comprising:

    receiving means from receiving a query from the user (col. 4, lines 1-8);

generating means for generating the identification code corresponding to the user's query (col. 4, lines 61+);

transmitting means for sending the query and its identification code to the server, where the server finds a counselor using the requested identification code (col. 5, lines 29-30), and then creates a room in which the user and counselor can interact (col. 5, line 67 – col. 6, line1);

wherein said identification code includes at least one selected from the group consisting of a language information, a service provider's server's information, a query-contents identification, a user's location information, and a counseling server's information (Figures 4 and 5).

9.   Claim 27 is rejected under 35 U.S.C. 102(e) as being anticipated by Chao'632. Chao'632 discloses an apparatus for providing a counseling room (552) coupled to a server (550) that communicates with the user through a network (556), said apparatus comprising:

receiving means from receiving a query and identification code form the server (col. 4, lines 1-9, 61+), where the query is provided by the user and the identification code is generated at the server;

controlling means for determining a counselor using said identification code (col. 5, lines 29-30);

creating a room in which the user and counselor can interact (col. 5, line 67 – col. 6, line1);

wherein said identification code includes at least one selected from the group

consisting of a language information, a service provider's server's information, a query-

contents identification, a user's location information, and a counseling server's

information (Figures 4 and 5).

10.   Claim 28 is rejected under 35 U.S.C. 102(e) as being anticipated by Chao'632.

Chao'632 discloses an apparatus for providing a real-time counseling service by using a

network (Figure 9), comprising:

a storage device (108);

a processor coupled to said storage device (inherently implied by the

requirements of 102, 104, 106, 110, 112);

said storage device storing a program for controlling said processor (again,

inherent to the system since 102, 104, 106, 110, 112 need to be coded into the system);

said processor operative with said program to

receive a query from a user (col. 4, lines 1-8);

generate an identification code corresponding with said query (col. 4, lines

61+);

determine a counselor with said identification code (col. 5, lines 29-30);

create a counseling room for counselor and user to communicate (col. 5,

line 67 – col. 6, line1);

wherein said identification code includes at least one from the group consisting of

language information, a service-providing server's information, a query-contents

identification, and a user's location information (Figures 4 and 5).

11.   Claim 29 is rejected under 35 U.S.C. 102(e) as being anticipated by Chao'632.

Chao'632 discloses an apparatus for providing data for creating a counseling service by

using a server (550) and network (Figure 9), said apparatus comprising:

    a storage device (108);

    a processor coupled to said storage device (inherently implied by the

requirements of 102, 104, 106, 110, 112);

    said storage device storing a program for controlling said processor (again,

inherent to the system since 102, 104, 106, 110, 112 need to be coded into the system);

    said processor operative with said program to

        receive a query from a user (col. 4, lines 1-9);

        generate an identification code corresponding with said query (col. 4, lines

61+);

        send the identification code information to a server (Figure 1) that can

            determine a counselor with said identification code (col. 5, lines 29-

30);

            create a counseling room for counselor and user to communicate

(col. 5, line 67 – col. 6, line1);

wherein said identification code includes at least one from the group

consisting of language information, a service-providing server's information, a

query-contents identification, and a user's location information (Figures 4 and 5).

12.   Claim 30 is rejected under 35 U.S.C. 102(e) as being anticipated by Chao'632.

Chao'632 discloses an apparatus, coupled with a server, for providing a user with a

counseling room by using a network (Figure 9), said apparatus comprising:

a storage device (108);

a processor coupled to said storage device (inherently implied by the

requirements of 102, 104, 106, 110, 112);

said storage device storing a program for controlling said processor (again,

inherent to the system since 102, 104, 106, 110, 112 need to be coded into the system);

and

said processor operative with said program to

receive a query from a user (col. 4, lines 1-9);

receive an identification code corresponding with said query at the server

end (col. 4, lines 61+);

determine a counselor with said identification code (col. 5, lines 29-30);

create a counseling room for counselor and user to communicate (col. 5,

line 67 – col. 6, line1);

wherein said identification code includes at least one from the group

consisting of language information, a service-providing server's information, a

query-contents identification, and a user's location information, and a counseling

server's information (Figures 4 and 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13.   Claims 3, 11, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Chao'632 in view of Thompson. In addition to the features described in #1, it is

inherent that the service providing server's information must be provided during the

communication between the devices of the network (see Figure 9) because this is how

devices identify each other and uniquely identify themselves. However, Chao'632 does

not teach that the service-providing server's information should be the domain name

(URL) of the service-providing server. However, the article by Thompson teaches that

the URL is industry standard for providing the server information along with websites.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

invention to identify the server by a URL when the different components of the network

(see Figure 9) communicate since the different components need to be able to identify

each other, and URL is the industry standard of performing the required task.

14.   Claims 5, 13, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Chao'632 in view of Thompson. In addition to the features described in #1, it is

inherent to the system that the user's connection should be part of the query in order for

the components of the network to operate properly. Chao'632 does not specify that the

user's location information is the user's connection control information. However, as

discussed for claim 37 (below), when a grouped set of devices has to communicate with

each other over a network, each component needs to identify itself to all the other

components. As taught by Thompson, it is industry standard to use the connection

information (i.e. an IP address) to distinguish one device from another when devices are

connected to each other over the Internet. Therefore, it would have been obvious to one

of ordinary skill in the art at the time of invention to use the connection information of the

user's hardware to identify the user over the network since it is the industry standard.

15.   Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Chao'632. Chao'632 discloses a method for providing a real-time counseling service on

a network with a server (Figure 9). Although it is not specifically stated that the system

should have at least one page in a site with links linking the different parts, these

aspects are an obvious implementation into the system since Chao'632 discloses that

the system could be working on a Web server, using HTTP protocol (col. 8, lines 23-28).

HTTP was originally intended to "provide a way to publish and receive HTML pages"

(see NPL Wikipedia – "HyperText Transfer Protocol"). Therefore, it would have been

obvious to one of ordinary skill in the art at the time of invention to incorporate the use

of webpages with corresponding links into the system of Chao'632 in order to allow for

the transfer of information between users with a friendly interface. Furthermore, the

method includes:

> generating an identification code for a user (col. 4, lines 1-9);

> transmitting said identification code to the counseling server;

> wherein the counseling server determines a counselor using said identification

code (col. 5, lines 29-30) and provides a counseling room in which the user and

counselor can interact (col. 5, line 67 – col. 6, line 1).

16.   Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Chao'632. In addition to the features described in #12, Chao'632 discloses that the

identification code includes at least one selected from the group consisting of a

language information, a contents-providing server's information, a category information,

and a counseling server's information (Figures 4 and 5).

17.   Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Chao'632. In addition to the features described in #15, Chao'632 discloses that the

identification code further includes user-related information (Figures 4 and 5, specifically

321 and 361).

18.   Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Chao'632. Chao'632 discloses a method for providing a real-time counseling service by

using a network (Figure 9). Although it is not specifically stated that the system should

have at least one page in a site with links linking the different parts, these aspects are obvious as discussed for claim 31. Furthermore, the method comprises the steps of:

receiving an identification code corresponding with a counseling link selected by a user from a contents providing server (col. 4, lines 1-9), wherein said identification code includes at least one selected from the group consisting of a language information, a contents-providing server's information, a category information, and a counseling server's information (Figures 4 and 5);

determining a counselor using said identification code (col. 5, lines 29-30); and

creating a counseling room in which the user and the counselor can interact (col. 5, line 67 – col. 6, line 1).

19.   Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chao'632. In addition to the features described in #17, the service of Chao'632 further allows the user to retrieve and review basic counseling information using the identification code (col. 5, lines 53-61).

20.   Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chao'632. In addition to the features described in #18, the service of Chao'632 provides a chatting service based on at least one selected from the group consisting of text, voice, picture board, and picture (col. 7, lines 11-13).

21.   Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chao'632. In addition to the features described in #18, the method disclosed in Chao'632 further includes the steps of:

receiving a help request and help contents from said user (col. 6, lines 34-36; col.

8, lines 16-22);

determining a professional counselor using said help contents (Figure 6);

linking the professional counselor and user (Figure 10, specifically 604); and

sending at least said basic counseling information to said professional counselor

(Figure 10, specifically 606).

Response to Arguments

22.   Applicant's arguments filed 18 January 2006 with respect to claims 1-30 have

been fully considered but they are not persuasive. The applicant argues that Chao fails

to disclose "receiving a query from a user" and "generating an identification code

corresponding to said query" since Chao discloses that the student answers questions

asked by the server apparatus. However, a query in the sense of computer related

inventions, database retrieval, and other computer systems refers to a request for

information or services from the database or server. Chao allows a user to perform this

request through the user of a questionnaire. The questions provided by the server to the

student are merely delimiters narrowing the scope of the student's query (i.e., they allow

the student to properly point out what they are requesting, such as a professor who

teaches a desired language).

23.   Applicant's arguments with respect to claims 31-37 have been considered but are

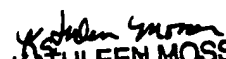moot in view of the new ground(s) of rejection.

Conclusion

24.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Sonesh et al. (US Patent No. 6,046,762) and Galdes et al. (US

Patent No. 6,177,932) relate to a counseling service where the user submits a request

and is subsequently matched up with an agent.

25.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Maria Stoica whose telephone number is (571) 272-

5564. The examiner can normally be reached on M-F: 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

MS

KATHLEEN MOSSER
PRIMARY EXAMINER